

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-CA-12001-GAO

THOMAS WILLIAMS,

PLAINTIFF,

v.

D.J. HAGER; UNKNOWN “MENTAL
HEALTH WATCH OFFICER”,
MASSACHUSETTS DEPARTMENT OF
CORRECTION; KATHLEEN DENNEHY;
JAMES BENDER; VERONICA
MADDEN; AND TIMOTHY HALL,

DEFENDANTS.

**DEFENDANT, DONALD “D.J.” HAGER’S,
MOTION FOR SUMMARY JUDGMENT**

NOW COMES the defendant, Donald “D.J.” Hager, a licensed social worker employed at all relevant times by MHM Correctional Services, Inc. (“MHM”),¹ pursuant to Fed. R. Civ. P. 56(b) and Local Rule 56.1, and hereby moves for summary judgment on the plaintiff’s claims. In support of this Motion, the defendant submits the accompanying Statement of Undisputed Material Facts and Memorandum of Law in Support of the Motion for Summary Judgment and states the following:

1. This is a civil rights claim by inmate, Thomas Williams, alleging (a) violation of the Eighth Amendment relative to the mental health treatment, (b) the tort of intentional infliction of emotional distress, (c) violations of the Rehabilitation Act of 1973 and (d) the

¹ Defendant Hager is a former employee of University of Massachusetts Correctional Health, and became an employee of MHM on July 1, 2007.

Americans with Disabilities Act, (e) violation of his Fourteenth Amendment right to Equal Protection, and violations of (f) the federal conspiracy and (g) failure to intervene statutes.

2. The plaintiff cannot and does not demonstrate that Mr. Hager violated his Eighth Amendment rights because he was provided with appropriate mental health care at all times.

3. The plaintiff cannot and does not demonstrate that Mr. Hager acted to intentionally cause emotional distress.

4. The plaintiff cannot and does not demonstrate that Mr. Hager violated his rights which are protected under the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

5. The plaintiff cannot and does not demonstrate that Mr. Hager has violated the federal conspiracy and or failure to intervene statutes.

6. Additionally, the plaintiff has failed to exhaust all of his administrative remedies pursuant to the UMCH clinical grievance procedure, and as such the plaintiff's claims against Mr. Hager must be dismissed.

WHEREFORE, the defendant, Donald "D.J." Hager, requests that this Court allow his Motion for Summary Judgment and dismiss the plaintiff's claims, with prejudice.

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on November 5, 2010.

/S/ James A. Bello

James A. Bello

Respectfully submitted,
The Defendant,
DONALD "D.J." HAGER
By his attorney,

/S/ James A. Bello

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